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LETTER DATED 11 OCTOBER 1995 FROM THE PERMANENT REPRESENTATIVE OF KENYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to forward the attached statement, signed by H.E. the President of the Republic of Kenya, clarifying the position of the Government of Kenya on the Rwanda Tribunal. In that connection, I wish to further inform you that Kenya will cooperate with the Tribunal.

I should be grateful if you would have this letter, and its annex, circulated as a document of the Security Council.

(Signed) Francis K. MUTHAURA
Ambassador
Permanent Representative

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Annex

Statement by H.E. President Daniel Arap Moi on the Rwanda Tribunal

It has always been my considered view that the problems of Rwanda and Burundi, which are deep-rooted, can only be resolved once and for all by finding a permanent and lasting solution. In order to achieve this it is necessary to appreciate the reasons for the present problems. In this context, I had expected the United Nations to go beyond the genocide arising from the killing of the two Presidents in April 1994 to the events leading to the shooting down of that aircraft. It is a well-known fact that before the shooting down of the aircraft carrying the two Heads of State, there had been an invasion of Rwanda and many people had been killed. Whatever investigation the United Nations or anyone carries out, if it is intended to help resolve the problem completely the terms of reference should and must include reasons for the invasion and not only the consequences of the invasion, on which I think the United Nations Tribunal is concentrating. It may even be essential to look at the recent history of Rwanda and Burundi to find lasting peace in those troubled countries. There is the added fact that, for justice to be seen to be done, the United Nations should investigate why Rwanda was in turmoil before the death of the two Presidents and the subsequent genocide. In leaving out this part of the problem, I cannot see how Rwandese who feel aggrieved by the invasion of their own country could possibly trust the Tribunal.

Kenya is not pro-Hutu or pro-Tutsi. We do not even have a common border with the two countries. It is a well-known fact that we have had Tutsi and Hutu refugees in Kenya since 1940. We have treated them well, as we have treated other refugees or visitors. I am not against the Tribunal set up by the United Nations. I am convinced that the mandate of the Tribunal is limited. My position regarding the Rwanda-Burundi crisis is that no lasting solution will be found unless the terms of reference of the United Nations Tribunal are widened to include:

(a) Investigations to determine who was responsible for the April downing of the aircraft in which the two Presidents of Rwanda and Burundi were killed;

(b) Investigations to determine those responsible for the invasion of Rwanda prior to the assassination of the two Presidents.

To ignore this vital aspect and to concentrate on the period after the death of the two Presidents would be superficial and a miscarriage of justice. Consequently, it will not be useful in bringing lasting peace to the region.

(Signed) Daniel Arap MOI
President